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9 Attorney for Defendant
10 JAVIER GONZALEZ

11
12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA
14 * * *

15 UNITED STATES OF AMERICA,) 2:22-CR-00024-CDS-EJY
16 Plaintiff)
17 v.)
18 JAVIER GONZALEZ,)
19 Defendant)
20

21) STIPULATION AND ORDER TO
22) CONTINUE SENTENCING
23)
24) (1st Request)

25
26 IT IS HEREBY STIPULATED by and between JAVIER GONZALEZ, defendant, by
27 and through counsel DUSTIN R. MARCELLO, ESQ., and the United States of America, by and
28 through, ALLISON REESE, Assistant United States Attorney, that sentencing be continued from
June 1, 2023, at 11:00 am, at a time convenient to the court, in 45 days. The stipulation is as
follows:

- 29
30 1. Mr. Gonzalez is currently in custody.
31
32 2. Mr. Gonzalez does not object to the request to continue sentencing.
33
34 3. The PSR was obtained by counsel on April 18, 2023.
35
36 4. The PSR noted that Defendant has an outstanding bench warrant in Clark County

37 District Court Case No.: C-21-361079-1. The circumstances are that Mr. Gonzalez
38 was sentenced to probation in that case and then transferred directly from State
39 custody to Federal custody on this case. Thereafter, Nevada Probation office

1 requested a warrant because Mr. Gonzalez had not reported to their office to begin
2 probation.

- 3 5. Counsel has spoken to Mr. Gonzalez' State counsel and he has agreed to file a motion
4 to quash and resolve the case or fix the issue.
5 6. It will take some period to transfer Mr. Gonzalez, Counsel would estimate 45 days, on
6 a writ to be sentenced or have his sentence modified in State Court.
7 7. Counsel has spoken to the Government and it has no objection and
8 stipulates to a continuance.
9 8. This is the first request to continue sentencing.

10
11 DATED this 19th day of May 2023

12
13 Respectfully submitted.

14
15 PITARO & FUMO, CHTD. JASON M. FRIERSON
16
17 /s/ Dustin R. Marcello, Esq. /s/ Allison Reese , Esq.
18 DUSTIN R. MARCELLO, ESQ. ALLISON REESE, ESQ.
19 601 LAS VEGAS BOULEVARD, SOUTH ASSISTANT UNITED STATES ATTORNEY
20 LAS VEGAS, NEVADA 89101 501 LAS VEGAS BOULEVARD SOUTH. #1100
ATTORNEY FOR DEFENDANT LAS VEGAS, NEVADA 89101
21 JAVIER GONZALEZ
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9 Attorney for Defendant
10 JAVIER GONZALEZ

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA
13 * * *

14 UNITED STATES OF AMERICA,) 2:22-CR-00024-CDS-EJY
15 Plaintiff) FINDINGS OF FACT, CONCLUSIONS
16 v.) OF LAW, AND ORDER
17 JAVIER GONZALEZ,)
18 Defendant) (1st Request)
19

20 FINDINGS OF FACT

21 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
22 Court finds:

- 23 9. Mr. Gonzalez is currently in custody.
24 10. Mr. Gonzalez does not object to the request to continue sentencing.
25 11. The PSR was obtained by counsel on April 18, 2023.
26 12. The PSR noted that Defendant has an outstanding bench warrant in Clark County

27 District Court Case No.: C-21-361079-1. The circumstances are that Mr. Gonzalez
28 was sentenced to probation in that case and then transferred directly from State
custody to Federal custody on this case. Thereafter, Nevada Probation office

1 requested a warrant because Mr. Gonzalez had not reported to their office to begin
2 probation.

3 13. Counsel has spoken to Mr. Gonzalez' State counsel and he has agreed to file a motion
4 to quash and resolve the case or fix the issue.

5 14. It will take some period to transfer Mr. Gonzalez, Counsel would estimate 30-45 days,
6 on a writ to be sentenced or have his sentence modified in State Court

7 15. Counsel has spoken to the Government and it has no objection and
8 stipulates to a continuance.

9 16. There would be no prejudice to the Government by continuing the sentencing.

10 17. This is the first request to continue sentencing.

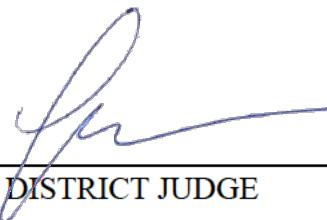
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14 **CONCLUSIONS OF LAW**

15 The end of justice served by granting said continuance of sentencing outweigh the best
16 interest of the public and defendants in a speedy resolution since the failure to grant
17 said continuance would likely result in a miscarriage of justice, would deny the parties herein
18 sufficient time and the opportunity within which to be able to effectively and
19 thoroughly prepare for sentencing taking into account the exercise of due diligence.

20 **ORDER**

21 **IT IS ORDERED** that sentencing currently scheduled for June 1, 2023, at the hour of
22 11:00 a.m., is vacated and continued to July 24, 2023, at the hour of 11:00 a.m. in Courtroom 6B.

23
24 DATED: May 23, 2023

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27 
U.S. DISTRICT JUDGE